

Item Th 9c

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

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Staff: Carey *ja*
Staff Report: 3/20/03
Hearing Date: 4/8/11/03



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-198

APPLICANT: State Coastal Conservancy

AGENT: Joan Cardellino

PROJECT LOCATION: Between 24034 and 24056 Malibu Road, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of improvements necessary to open a vertical accessway for public use, including a stairway with piling and grade beam foundation, fence, gate, signage, and gravel parking area.

LOCAL APPROVALS RECEIVED: Not Applicable

SUBSTANTIVE FILE DOCUMENTS: City of Malibu Local Coastal Program, adopted September 13, 2002; Permit 193-80 (a & b) (Adamson Company); Malibu Road Beach Accessway Initial Study/Mitigated Negative Declaration, dated June 2002, prepared by Jones & Stokes; Wave Runup and Coastal Hazard Study, dated September 2002, prepared by Skelly Engineering; and Preliminary Geologic and Soils Engineering Investigation, dated December 17, 2002, prepared by GeoConcepts, Inc.

STAFF NOTE: This application was filed on September 9, 2002. Under the provisions of the Permit Streamlining Act, the latest possible date (270th day) for Commission action is June 6, 2003. Therefore, the application must be acted upon at the April or May, 2003 hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project subject to five special conditions of approval, including the applicant's assumption of risk, interim erosion control plan; construction responsibilities and debris removal, conformance with geologic recommendations, and the submittal of an accessway management plan. The proposed project will implement the offer to dedicate fee title for public access required as a mitigation measure for a project approved in 1981. The proposed accessway improvements will not only provide use of 100 feet of sandy beach, it will allow the public to walk along approximately one mile of beach downcoast of the project site, to Malibu Lagoon State Beach.

STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development Permit No. 4-02-198 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby **approves** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the Malibu Local Coastal Program, is located between the sea and the first public road nearest the sea, and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **Special Conditions**

1. **Interim Erosion Control Plan**

The interim erosion control plan shall be prepared by a licensed engineer and shall incorporate Best Management Practices (BMPs) designed to minimize erosion, and control the volume, velocity and pollutant load of stormwater leaving the site during the construction phase of the project. The plan shall be in substantial conformance with the following requirements:

The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

2. **Construction Responsibilities And Debris Removal**

By acceptance of this permit, the applicant agrees that during project construction: (1) No machinery will be allowed in the intertidal zone at any time; and (2) the permittee shall remove from the beach and ocean any and all debris that result from the construction.

3. Plans Conforming to Geologic Recommendations

All recommendations contained in the submitted Preliminary Geologic and Soils Engineering Investigation, dated December 17, 2002, prepared by GeoConcepts, Inc. shall be incorporated into all final design and construction including foundations, construction, grading, and drainage. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to issuance of a coastal development permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to foundations, construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to the permit or a new Coastal Development Permit.

4. Accessway Management Plan.

Prior to opening the accessway to the public, the applicant shall submit evidence of an agreement between the applicant and a management entity (public agency or non-profit organization) that will be responsible for the operation, maintenance, and monitoring of the accessway for the use of the public. A transfer of ownership of the property to a managing entity will satisfy this requirement. Prior to opening the accessway to the public, the applicant or the managing entity shall prepare, for the review and approval of the Executive Director, a management, maintenance and operation program to include but not limited to: a litter collection plan; long term monitoring and maintenance plan for the stairway and other improvements, and final design and language of informational signage. Signs shall include the information in English and Spanish.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct improvements for a vertical public beach accessway. The proposed improvements include a stairway with three landings, a fence, gate, signage and gravel parking area.

The stairway will be constructed on pilings and grade beams. As shown on Exhibit 3, there will be three series of 30-inch diameter piles connected by grade beams. These walls will support the slope. Smaller grade beams will extend from the piles to form a support for each flight of stairs. The stairs themselves will be constructed of concrete. There will be three landings. The uppermost landing will be at the same level as the street. Given the steepness of the slope and the size of the project site, the applicant

has stated that it would not be possible to provide beach level access for people with disabilities at this location, although the top landing will be accessible for beach viewing. Construction of the stairway includes 97 cu. yds. of grading (23 cu. yds. cut and 74 cu. yds. of fill).

The proposed fence would be constructed along the top of the existing soldier pile wall. The fence is composed of vertical metal fence post with a maximum spacing of four inches. The top of the fence posts would vary in height to create a wave pattern. Trash receptacles will be provided to collect litter. The proposed project includes a gate which will be used to control access to the beach, for instance restricting access at night or when unsafe conditions exist such as storm damage. Signage will be provided on the street side of the fence to provide to the public the hours of operation, rules of use, and location of additional accessways in the area. No lifeguard or bathroom facilities are proposed to be provided at this site. Four gravel parking spaces would be provided along the width of the project site and on-street parking is available along the public street Malibu Road.

B. Background

The proposed project site was offered as a fee dedication as mitigation through coastal development permit A-193-80(b) (State Commission appeal of Regional Commission decision). That permit approved the installation of a tertiary sewage system [A-193-80 (b)] and the addition of 22 mobilehome spaces to an existing 281-space mobilehome park, tennis court, street and utility improvements, and 33 parking spaces. As part of the project, the applicant proposed to dedicate in fee title a 100-foot wide beachfront parcel as mitigation for the cumulative impacts of 22 additional mobilehome units on one lot. The permit was conditioned to require either the retirement of 7.7 transfer of development credits or the fee dedication of the beachfront parcel as mitigation of cumulative impacts to coastal resources, in particular coastal access. The applicant chose to dedicate the beachfront parcel and recorded an offer to dedicate in fee the parcel on Malibu Road. On August 8, 2002, the State Coastal Conservancy voted to accept this offer.

There is unpermitted development on the proposed project site. As described below, there is a landslide which includes portions of the project site. The City of Malibu constructed a soldier pile wall, rock riprap and installed a chain link fence with barbed wire along the top on several sites without a coastal development permit. Staff would note that the City submitted a permit application for this development, but the file was not complete before the City of Malibu LCP was adopted in September 2002. A portion of the rock riprap, wall, and the new fence are located on the proposed project site. The unpermitted development took place on the site before the Conservancy accepted the dedication. This application does not include the unpermitted rock revetment, but the placement of the proposed fence would include the removal of the chain-link fence with barbed wire.

C. Public Access and Recreation.

The Malibu Local Coastal Program (LCP) contains the following development policies related to public access and recreation that are applicable to the proposed development. Sections 30210, 30211, 30214, and 30222 of the Coastal Act, which are incorporated as part of the Malibu LCP pertain to the protection and provision of public access and recreation.

Section 30210 states that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30214 states that:

- (a) *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*
- (1) *Topographic and geologic site characteristics.*
 - (2) *The capacity of the site to sustain use and at what level of intensity.*
 - (3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
 - (4) *The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*
- (b) *It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*
- (c) *In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Section 30220 states that:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such use.

In addition, the following LCP policies are applicable in this case:

- 2.7 *Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer-to-Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities e.g. parking, construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.*
- 2.8 *Public recreational facilities throughout the City, including parking areas or facilities, shall be distributed, as feasible, to prevent overcrowding and to protect environmentally sensitive habitat areas.*
- 2.23 *No new structures or reconstruction shall be permitted on a bluff face, except for stairways or accessways to provide public access to the shoreline or beach or routine repair and maintenance or to replace a structure destroyed by natural disaster.*
- 2.70 *Offers to dedicate public access shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within 5 years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private association expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within 6 months of the written request. A Coastal Development Permit that includes an offer to dedicate public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private association that requests such transfer, if the easement holder has not opened the accessway to the public within 5 years of accepting the offer.*
- 2.71 *Public agencies and private associations which may be appropriate to accept offers of dedication include, but shall not be limited to, the State Coastal Conservancy, the Department of Parks and Recreation, the State Lands Commission, the County, the City, the Santa Monica Mountains Conservancy and non-governmental organizations.*
- 2.72 *A uniform signage program shall be developed and utilized to assist the public in locating and recognizing shoreline access points. In environmentally sensitive habitat areas signs may be posted with a description of the sensitive habitat. Signs shall be posted in English and Spanish.*
- 2.73 *Maximum public access shall be provided in a manner which minimizes conflicts with adjacent uses.*
- 2.85 *Improvements and/or opening of accessways already in public ownership or accepted pursuant to a Coastal Permit shall be permitted regardless of the distance from the nearest available vertical accessway.*

- 2.86 *The following standards shall apply in carrying out the access policies of the LCP relative to requiring and locating vertical accessways to the shoreline. These standards shall not be used as limitations on any access requirements pursuant to the above policies.*

...

Malibu Beach Road (Amarillo and Puerco Beach)

- **Requirement for or public acquisition of vertical access every 1,000 feet of shoreline.**
- **Improve and open existing 100 foot wide vertical access OTD for public use in accordance with the site plan approved by the California Coastal Conservancy on August 8, 2002.**
- **Maintain and operate existing accessway (5 are open).**
- **Enhance trail connections to Malibu Bluffs State Park.**

To understand the importance of protecting and maximizing public access, it is critical to know that the public already possesses ownership interests in tidelands or those lands below the mean high tide line. Because the mean high tide line varies, the extent of lands in public ownership also varies with the location of the mean high tide line. By virtue of its admission into the Union, California became the owner of all tidelands and all lands lying beneath inland navigable waters. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The use of these lands is limited to public trust uses, such as navigation, fisheries, commerce, public access, water-oriented recreation, open space, and environmental protection. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act and Malibu LCP policies requiring both the implementation of a public access program and the minimization of impacts to access through the regulation of development.

As described above, the fee dedication of the 100-foot wide project site was proposed by the Adamson Company to serve as mitigation of cumulative impacts for a mobilehome project approved in 1981 (Permit A-193-80). The proposal was memorialized as a condition of approval required in that permit. The Adamson Company recorded the offer to dedicate the property in 1983. The requirement for the recordation of an OTD, however, does not ensure public access; the offers must be accepted by a managing entity, and, for vertical easements which often require some form of physical improvement, be opened for public use. Data and information assembled by Commission staff have shown that, over the years, while development has been allowed to proceed, the mitigation has, in many cases, not been fully satisfied (ReCap, 1999). Furthermore, an OTD is valid for a limited time period. OTDs, in many cases, are not required to be made available for public use until the easement is accepted for management by a public agency or non-profit organization. In this case, the development approved in Permit A-193-80 was constructed almost 20 years ago, but the mitigation has yet to be implemented.

The Malibu LCP requires that new development minimize impacts to public access and that access to the shoreline be maximized. Public accessways are a permitted use in all land use and zoning designations. The LCP allows for accessways to be opened, and for necessary improvements to be constructed. The LCP calls for the provision of vertical access in the Amarillo Beach area every 1,000 feet of shoreline including the opening of the 100-foot wide vertical access for public use.

In this case, the proposed project is the construction of a stairway and other improvements on a parcel dedicated in fee title for access and recreation. This project will facilitate the public's ability to access the beach and ocean by providing an improved stairway down the bluff, consistent with the policies of the LCP. Currently, there is an existing volunteered path down the bluff that has been used by surfers and others, although the current fencing that includes barbed wire at the top makes such use extremely difficult. Apparently some residents have a key to the existing gate. Additionally, the applicant's consultants have observed people climbing over the fence, utilizing towels or newspapers to cover the barbed wire.

The proposed project site is unique in that the site is 100 feet wide, in contrast to the more typical 10-foot wide vertical accessways. Not only does the greater width of the parcel provide room for 4 parking spaces along the roadway, it allows for the public to utilize the width of the site for recreation such as sunbathing. For many areas, it is typical to see members of the public lined up on the beach within the approximately 10-foot width of the vertical accessway. In addition to the project site itself, the accessway improvements will allow the public to gain access at low tide to approximately one mile of beach downcoast to Malibu Lagoon State Beach. There is currently no public access available to this area of beach. The beach just downcoast of the project site has a considerably wider, sandy beach area, as is visible on Exhibit 7.

There are four existing, open public accessways located along Malibu Road that are operated by Los Angeles County Beaches and Harbors. Exhibit 4 shows the location of these accessways. The nearest Malibu Road accessway is approximately 1,850 feet upcoast of the proposed project site. Given the existing pattern of residential development that extends a considerable distance seaward with large riprap revetments in front, public access along the beach upcoast of the project site would likely only be available at low tide most times during the year.

The LCP provides for public recreational facilities to be distributed throughout the area to minimize overcrowding. In this area, the LCP calls for the provision of vertical access along Amarillo Beach every 1,000 feet of shoreline. The development and opening of the subject accessway would allow for another point of access in the eastern area of Amarillo Beach, although the spacing of vertical accessways would still be in excess of 1,000 feet.

The applicant's consultants conducted a parking survey of the Malibu Road area, including the area along the project site, and those areas near the existing four

accessways. The survey was carried out on a weekday and a weekend day in the month of June, 2002 when the weather was clear and sunny. This report, including the count of cars present and their distance from the accessways, is shown in Exhibit 5. Staff would note that, although the survey assumed that all cars within a reasonable distance (400 feet) of each accessway were parked for the purpose of public access, it is likely that at least some of the vehicles belonged to residents or their guests. On the basis of this survey, the applicant's consultants concluded that the parking supply along the public street Malibu Road is sufficient to meet the current and anticipated parking demand.

Section 30214 requires that the provision of public access opportunities take into account site geology and other characteristics, protection of natural resources, and the need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. As described below, the applicant's consultants have investigated the geology of the site and designed the proposed stairway to assure stability. The proposed project includes a gate which will be used to control access to the beach, for instance restricting access at night or when unsafe conditions exist such as storm damage. Signage will be provided on the street side of the fence to provide to the public the hours of operation, rules of use, and location of additional accessways in the area. There will be local agency or nonprofit organization that will manage the accessway once the accessway improvements have been constructed. Such management will include opening and locking the gate, trash pick-up, maintenance of the improvements, and monitoring conditions at the site. The Conservancy has indicated that it has worked closely with the Malibu Foundation, a non-profit organization that has long been interested in managing, and possibly owning this accessway. However, no agreement is yet in place regarding the management of the project site. The applicant has stated that such agreement must be in place before the accessway will be opened to the public. The Commission finds that in order to ensure that the accessway is managed, consistent with Section 30214, it is necessary to require the applicant to submit evidence of an agreement with a managing entity, and a management plan prior to the opening of the accessway to the public. This plan should include details regarding the wording of the proposed signs to ensure compliance with Policy 2.72 of the LCP. The management plan requirement is found in **Special Condition No. 4**. As conditioned, the Commission finds that the proposed project will provide and enhance public access to the coast, consistent with the public access policies of the Malibu Local Coastal Program.

D. Bluff/Shoreline Development and Hazards

The proposed development is located on a bluff top/ beach property along the Malibu coastline, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby

contributing to an increased potential for erosion and landslides on property. Coastal bluffs, such as the one located on the subject site, are unique geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow across the top of the bluff and from wave action at the base of the bluff. In addition, due to their geologic structure and soil composition, these bluffs are susceptible to surficial failure, especially with excessive water infiltration. Further, removal of native vegetation and/or grading on bluffs increases the likelihood of slope instability.

The Malibu Local Coastal Program (LCP) contains the following development policies related to hazards and blufftop/shoreline development that are applicable to the proposed development.

Sections 30235 and 30253 of the Coastal Act, which are incorporated as part of the Malibu LCP, state in pertinent part that new development shall:

Section 30235:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 states in pertinent part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

In addition, the following LCP policies are applicable in this case:

- 4.2. All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.***
- 4.5. Applications for new development, where applicable, shall include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and subject to review and approval by the City Geologist.***

- 4.10. **New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.**
- 4.16 **All applications for new development on a beach, beachfront or blufftop property shall include a wave uprush and impact report and analysis prepared by a licensed civil engineer with expertise in coastal engineering which addresses and demonstrates the effects of said development in relation to the following:**
- **The profile of the beach;**
 - **Surveyed locations of mean high tide lines acceptable to the State Lands Commission;**
 - **The availability of public access to the beach;**
 - **The area of the project site subject to design wave uprush;**
 - **Foundation design requirements;**
 - **The need for a shoreline protection structure over the life of the project;**
 - **Alternatives for protection of the septic system;**
 - **The long term effects of proposed development on sand supply;**
 - **Future projections in sea level rise; and,**
 - **Project alternatives designed to avoid or minimize impacts to public access.**
- 4.23 **New development on a beach or oceanfront bluff shall be sited outside areas subject to hazards (beach or bluff erosion, inundation, wave uprush) at any time during the full projected 100-year economic life of the development. If complete avoidance of hazard areas is not feasible, all new beach or oceanfront bluff development shall be elevated above the base Flood Elevation (as defined by FEMA) and setback as far landward as possible. All development shall be setback a minimum of 10 feet landward of the most landward surveyed mean high tide line. Whichever setback method is most restrictive shall apply. Development plans shall consider hazards currently affecting the property as well as hazards that can be anticipated over the life of the structure.**
- 4.24 **All proposed development on a beach or along the shoreline, including a shoreline protection structure, 1) must be reviewed and evaluated in writing by the State Lands Commission and 2) may not be permitted if the State Lands Commission determines that the proposed development is located on public tidelands or would adversely impact tidelands unless State Lands Commission approval is given in writing.**
- 4.26 **Development on or near sandy beach or bluffs, including the construction of a shoreline protection device, shall include measures to insure that:**
- **No stockpiling of dirt or construction materials shall occur on the beach;**
 - **All grading shall be properly covered and sandbags and/or ditches shall be used to prevent runoff and siltation;**
 - **Measures to control erosion shall be implemented at the end of each day's work;**
 - **No machinery shall be allowed in the intertidal zone at any time to the extent feasible;**
 - **All construction debris shall be removed from the beach.**
- 4.29 **No permanent structures shall be permitted on a bluff face, except for engineered stairways or accessways to provide public beach access. Such structures shall be constructed and designed to not contribute to further erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.**

4.42 As a condition of approval of development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

The LCP contains numerous development standards applicable to all new development on sites located in or near an area subject to geologic hazards. This includes the requirement to submit a geologic, soils, and geotechnical reports addressing the proposed development, and that all recommendations of the geologic consultants are incorporated into the project.

The Malibu LCP policies require that new development minimize risk to life and property in areas of high geologic, flood and fire hazard and assure stability, structural integrity or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Coastal bluffs are unique geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow runoff from the top of the bluff and from wave action at the base of the bluff. The Commission, through permit actions, has typically prohibited new development directly on a bluff, with the exception of improvements needed to provide public access from a roadway to the beach below. It is recognized that in many areas of the coast, there would be no other means of providing access to the beach and public tidelands. Additionally, the area of the coast along Malibu Road is developed with single-family residences that extend down the bluff face and over sandy beach.

The applicant has submitted a Wave Runup and Coastal Hazard Study, dated September 2002, prepared by Skelly Engineering. This report addresses the wave runup affecting the project site and makes recommendations regarding the design of the proposed stairway. The report concludes that the site has been and will be subject to short-term erosion and wave attack, but that damage can be mitigated by the proper design of the foundation system. The coastal engineer recommends that the lower foundation be designed to withstand wave forces. The report recommends a minimum 24-inch diameter concrete pile for the stairway foundation, as well as the scour level, and wave force that should be factored into the design. These parameters have been used by the project engineers in designing the foundation system. The report concludes that the proposed project will neither promote, nor prevent beach erosion.

The applicant has submitted the Preliminary Geologic and Soils Engineering Investigation, dated December 17, 2002, prepared by GeoConcepts, Inc. regarding the geologic stability of the proposed project site. There is a landslide that extends inland of Malibu Road which includes the project site.

The geology report notes several past investigations regarding this slide. A report (Stone Geological Service, dated July 31, 1958) identifies the slide extending north of Malibu Road. A geology and soils engineering report prepared by Lockwood-Singh & Associates, Inc., dated September 18, 1979 identified a historically active and a

currently active portion of the slide in question. An investigation by Geotechnical Consultants, Inc. for the County of Los Angeles (December 1985) looked at a section of Malibu Road, including a portion of the subject site. This report evaluated several alternatives for protecting Malibu Road and increasing the stability of the slide. It was recommended that a collector trench for water and a shear pin wall be used to stabilize the area. This wall was installed by Los Angeles County in approximately 1988 along a portion of Malibu Road, on the seaward side of the road. This wall extends along approximately $\frac{3}{4}$ of the width of the project site, continuing along the road to the east. Commission records do not include evidence of a coastal development permit for this wall. Finally, the consulting geologists identify a memorandum report prepared by Bing Yen & Associates, dated March 11, 1995 regarding measures to repair a slope failure that was identified as a smaller failure within the larger existing slide. The City installed another soldier pile wall extending from the existing wall (Los Angeles County installed wall), located a few feet further landward than the existing wall. This new wall, along with backfill behind the wall to restore the grade of the road, was designed to stabilize the smaller slide and restore Malibu Road. A small portion of this wall is located on the proposed project site, extending off-site to the west. No coastal development permit has been issued for this wall.

The geologic consultants determined, on the basis of their investigation, that the proposed project is suitable for the intended use, provided their recommendations are followed. One recommendation is that the stairway foundation be supported on friction piles embedded into bedrock. The minimum diameter of the piles is recommended to be 24 inches and the piles are recommended to extend 20 feet into bedrock. These piles will be deeper than the existing soldier pile wall along the roadway in order to assure stability of the stairway. The project engineers have designed the project to conform to the geologic and geotechnical recommendations. The stairway is proposed to be supported on 30-inch diameter piles with grade beams. As shown on Exhibit 3, there will be three series of 30-inch diameter piles connected by grade beams. These walls will support the slope. Smaller grade beams will extend from the piles to form a support of the flights of stairs. The stairs themselves will be constructed of concrete. As described above, there are existing soldier pile walls along the edge of the road on the project site. The wall along the eastern $\frac{3}{4}$ of the project site was built by Los Angeles County. The other wall is located along the western $\frac{1}{4}$ of the site and was constructed by the City of Malibu. Neither of these walls were authorized in a coastal development permit. While the proposed stairway has been designed such that it does not rely on either soldier pile wall for support, these walls are nonetheless an integral part of the project site and the proposed fence would be incorporated into the walls. As such, the Commission finds that those portions of the existing soldier pile walls that are on the project site will be approved as part of the subject project.

The geologic consultants conclude the following:

It is the finding of this corporation, based upon the subsurface data that the proposed project complies with Section 110.2.3.2 of the Building Code Title 26 and will not adversely affect adjacent property, provided this corporation's recommendations and those of the City of Malibu and Uniform Building Code are followed and maintained.

To ensure that the recommendations of the geologic and geotechnical engineering consultants are incorporated into the project, **Special Condition No. 3** requires the applicant to submit project plans certified by the consulting geologist and geotechnical engineer as conforming to all geologic and geotechnical recommendations, as well as any new or additional recommendations by the consulting geologist and geotechnical engineer to ensure structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, foundations, grading, and drainage. Any substantial changes to the proposed development approved by the Commission that may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

The Commission also finds that the minimization of site erosion will add to the stability of the site. When the proposed construction is completed, drainage from the stairway will be conveyed down the stairs, along the walls. Given the switchback design of the stairway, this drainage will not be high velocity and is unlikely to cause erosion at the end of the stairs. Interim erosion control measures implemented during construction will serve to minimize the potential for erosion of the site and adverse impacts to water quality resulting from drainage runoff during construction. Therefore, the Commission finds that the development of an interim erosion control plan for the construction phase as required by **Special Condition No. 1** is necessary to ensure the proposed development will not result in increased erosion or adversely impact water quality. Further, the Commission finds it necessary to impose **Special Condition No. 2**, that requires that no machinery is used in the intertidal area and that all construction materials and debris are removed from the beach, ensuring that they will not be introduced to the marine environment.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30235 and 30253.

E. Unpermitted Development.

Unpermitted development has taken place prior to submission of this permit application including construction of a soldier pile wall, installation of a chain link fence with barbed wire, and placement of rock riprap. The subject application addresses the portions of the unpermitted soldier pile walls that are on the project site, and the portion of the fence on the project site.

In addition to the unpermitted soldier pile wall and fence discussed above, there is unpermitted rock riprap on the project site that is not included as part of the subject permit application and is not related to the proposed development. Construction of the proposed project is not related to the rock riprap and would not preclude its removal. The Commission's enforcement division will evaluate further actions to address this matter.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

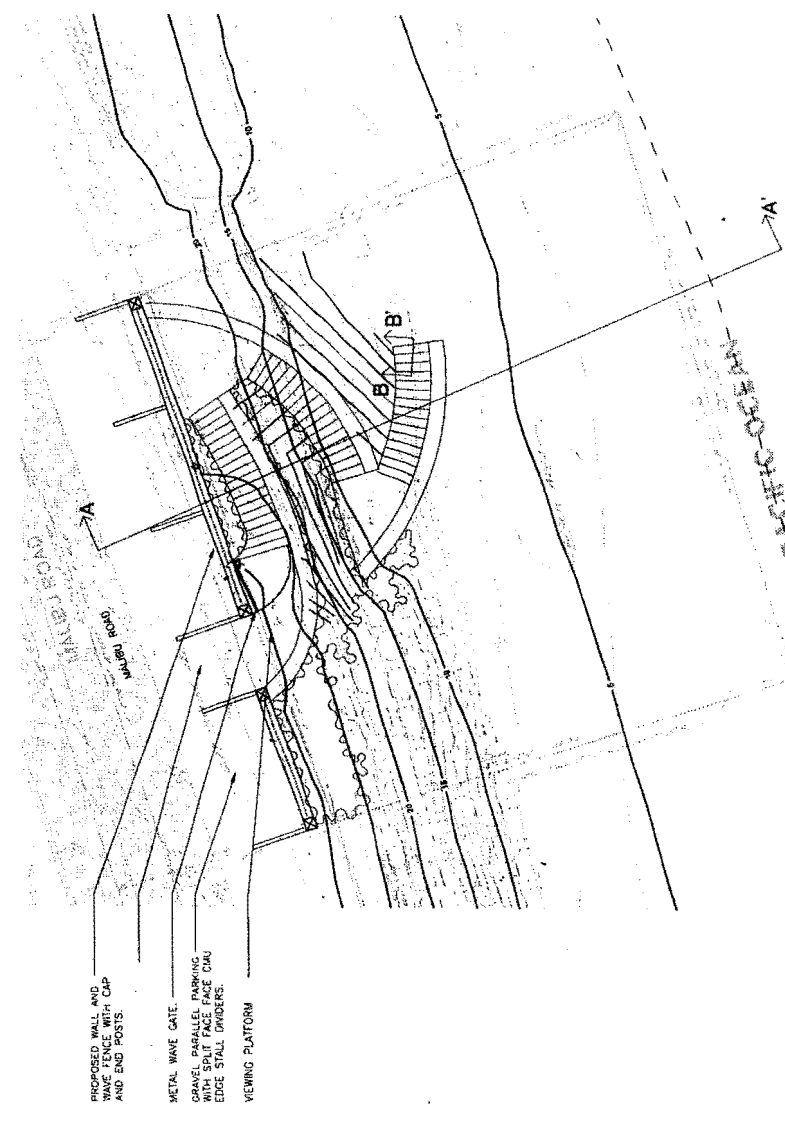


feet

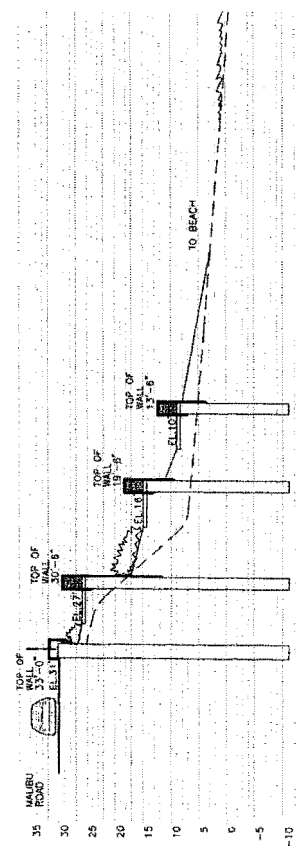
Scale = 1:24,000

Base map: USGS 7.5-Minute Series Malibu Beach, California, quadrangle (1350, P18 1385 and 1394)





PROPOSED DESIGN PLAN
SCALE 1"=10'-0"



SECTION A-A'
SCALE 1"=10'-0"

FENCE ELEVATION
SCALE 1"=10'-0"

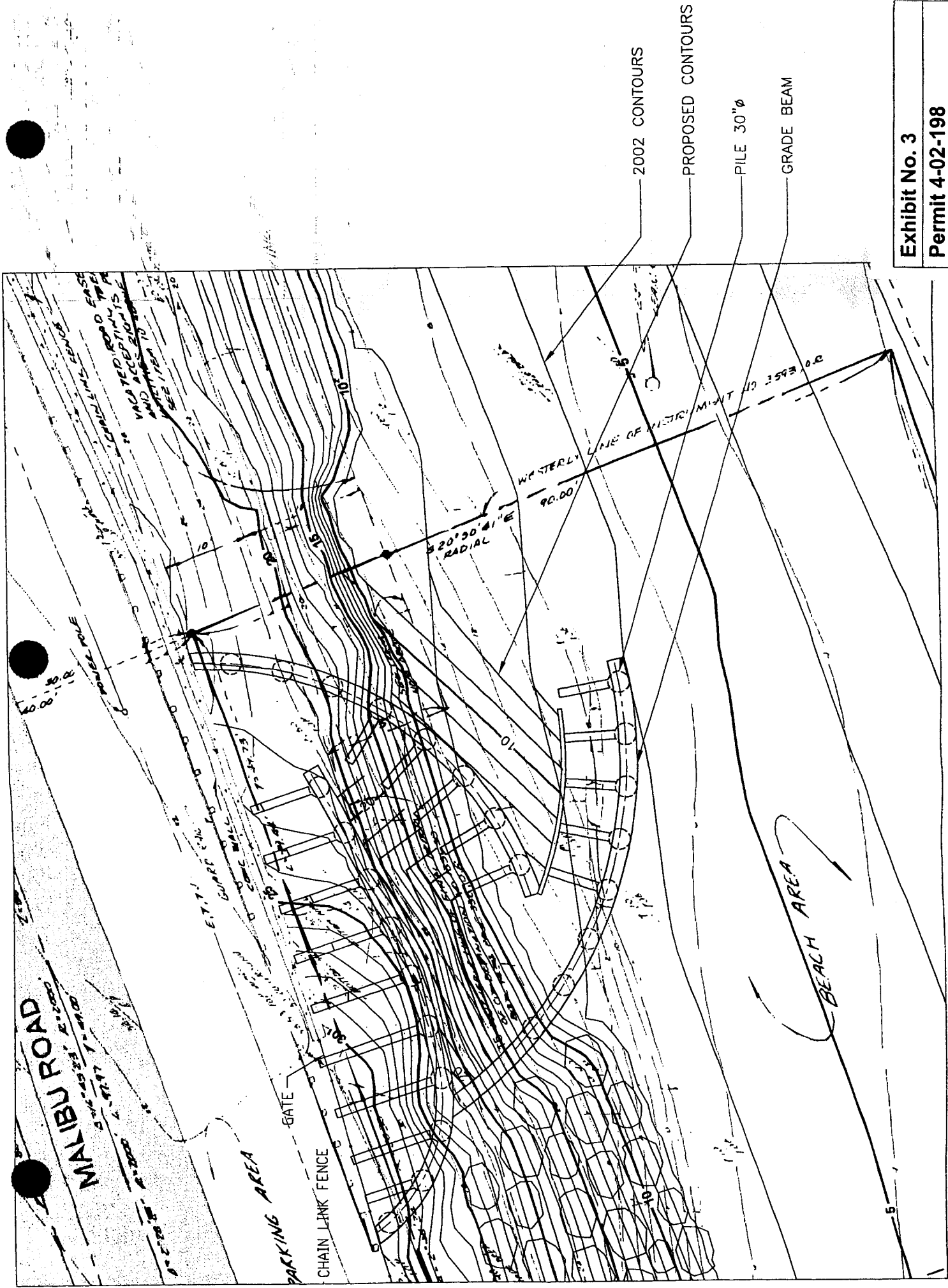
Exhibit No. 2
Permit 4-02-198
Site Plan

JUNE 2022
SHEET
L2
3 OF 7

Malibu Road
Public Access Project
24056 Malibu Road
Malibu, CA

PROPOSED DESIGN

NO DATE REVISION



MALIBU ROAD
 S 46° 40' 33" E 2.2000
 S 41° 47' 1" E 0.00

VACATED ROAD EASE
 AND ACCESS POINTS
 REFER TO
 SEE 178

PARKING AREA
 CHAIN LINK FENCE
 GATE

BEACH AREA

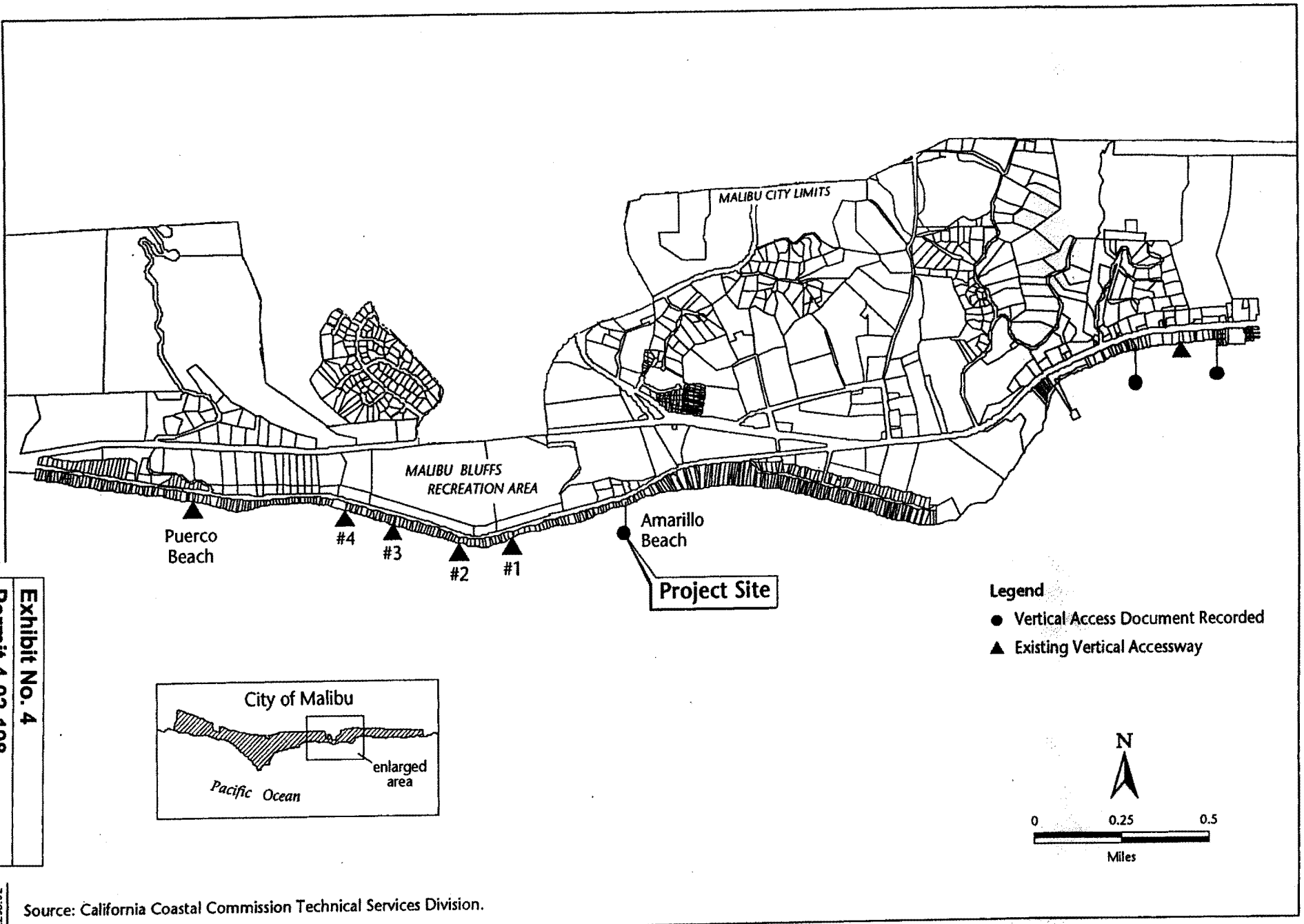
WESTERLY LINE OF SIGHT 90.00°
 S 20° 50' 41" E RADIAL

2002 CONTOURS
 PROPOSED CONTOURS
 PILE 30"Ø
 GRADE BEAM

Exhibit No. 3
 Permit 4-02-198
 Foundation Plan

FOUNDATION PLAN

Exhibit No. 4
Permit 4-02-198
Accessway Map



20250220

Source: California Coastal Commission Technical Services Division.

Appendix B Parking Evaluation

Introduction

This parking evaluation discusses the existing parking supply and demand in the vicinity of beach access points along Malibu Road in the City of Malibu, California. Discussions of weekday and weekend parking demand are provided. The parking supply was analyzed to determine the availability of existing parking along this roadway.

Methodology

The parking demand data was based on observations at the proposed project location and four other beach access locations along Malibu Road. Existing beach access is located adjacent to the following addresses along Malibu Road; beach access #1 – 24318; #2 – 24434; #3 – 24602; #4 – 24714. Figure 1 shows the location of these beach access points. The project site currently provides access to Amarillo Beach through a locked gate. Some local residents have keys to this gate. In addition, people have been observed climbing over the fence in two locations at the east end of the fence, by placing towels or newspapers across the barbed wire that spans the top of the chain link fence.

Surveys were conducted on a weekday and a weekend day. The first observation was conducted on Wednesday, June 12, 2002, between 3:30 p.m. and 4:00 p.m.; the second observation was conducted on Sunday, June 16, 2002, between 11:40 am and 1:40 p.m. and again between 3:30 p.m. and 4:00 p.m. Typical high-season usage was assumed based on the following conditions:

Exhibit No. 5
Permit 4-02-198
Parking Survey

- Weather conditions at the time surveys were conducted was clear and sunny.
- Most schools were not in session (on summer break).

Cars parked within approximately 250 feet of each access point were counted. A Professional Series Model 400 Rolatape was used to measure distance from each beach access stairway. Distance was measured from the accessway, and includes only viable parking areas. Areas located in front of driveways, fire hydrants, or vegetation in parking areas were not measured. The determination for distance to measure was based on visual observations made during the survey. These observations included 1) people walking to an access point; 2) location of available parking; and 3) the furthest car that could be assumed to be using the accessway.

Malibu Road

Malibu Road is approximately 2.5 miles long and runs east and west paralleling the Pacific Ocean. Malibu Road is designated as a two-lane "country road" in the City of Malibu General Plan. "Malibu Road has one entrance – Webb Way – which is a 100+-foot wide access road from Pacific Coast Highway (PCH)" (Malibu General Plan 1996). Malibu Road varies in width along the entire length; however, generally it is approximately 30 feet wide with parking lanes (ranging from approximately 8 to 17 feet wide) on one or both sides along most of the roadway.

Parking Demand

As shown in Table 1, Malibu Road receives more traffic and requires more parking on weekends than weekdays. Generally, the access points closer to Dan Blocker County Beach are more heavily used than access points farther east. Figures 2 through 11 show photos of current parking at beach access locations along Malibu Road.

Table 1. Current Parking Locations

Location of Access	Time	Number of Cars		Distance (approximate distance from accessway to furthest car assumed to be using beach accessway)
		Beach Side	Inland Side	
Project Site	11:40 Sunday	12	N/A	384 feet
	2:00 Sunday	23	N/A	
	3:30 Sunday	12	N/A	
	11:30 Wednesday	2	N/A	
	3:30 Wednesday	2	N/A	
#1	12:00 Sunday	4	0	327 feet east
		0	8	480 feet west
	3:35 Sunday	2	8	327 feet east
		6	0	480 feet west
	3:45 Wednesday	1	0	327 feet east
0		0	480 feet west	
#2	12:45 Sunday	6	0	245 feet east
		0	5	275 feet west
	3:40 Sunday	1	0	245 feet east
		0	1	275 feet west
	3:50 Wednesday	0	0	245 feet east
0		4	275 feet west	
#3	1:15 Sunday	6	0	200 feet east
		0	7	200 feet west
	3:45 Sunday	4	5	200 feet east
		11	15	200 feet west
	3:55 Wednesday	0	0	200 feet east
0		3	200 feet west	
#4	1:40 Sunday	3	5	400 feet east
		10	9	340 feet west
		N/A	0 on Bayshore Dr.	N/A
	4:00 Sunday	11	22	400 feet east
		0	11	340 feet west
		N/A	5 on Bayshore Dr.	N/A

Parking Supply

End-to-end parking is available along most of Malibu Road; isolated pockets, where space is available, offer head-in parking opportunities. Based on parking standards, one parking space is 22 feet in length (Sato pers. com.). There is approximately 384 feet of space available for end-to-end parking along the project site (south side of Malibu Road), which would accommodate approximately 18 large cars. As shown in Table 1, 23 cars were parked in this area during a high activity weekend. Additional parking was available along the

north side of Malibu Road, west and east of the project site. The parking supply along Malibu Road is sufficient to accommodate the current parking demand as well as additional future demands.

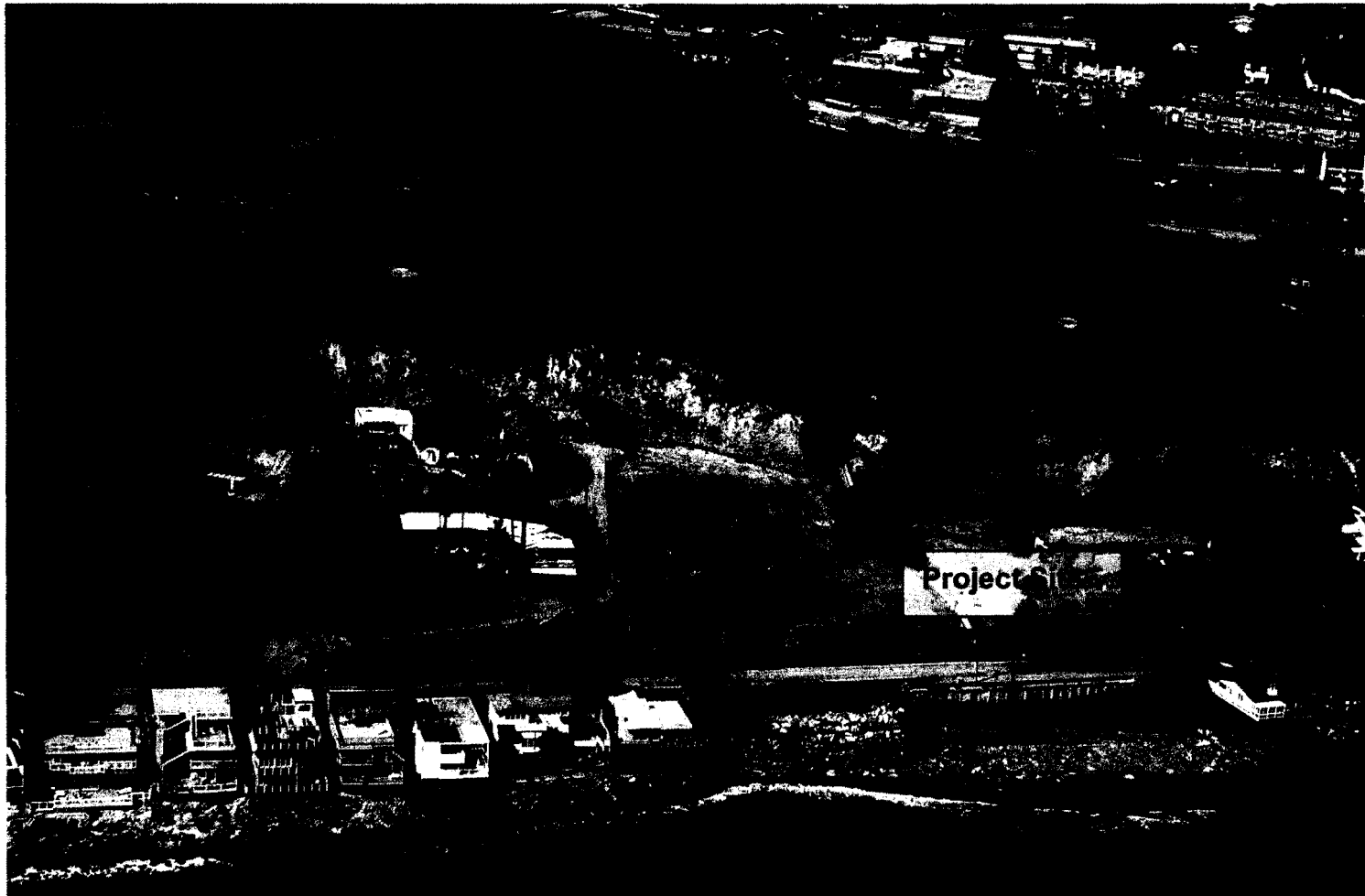
Evaluation Results

On-street parking utilization evaluations were conducted during a weekday and weekend condition to determine overall current utilization. The evaluation determined that, although weekend conditions are far more active, parking is available for people who use the beach access locations. Parking is available along most of Malibu Road; however, locations nearest the access points are more heavily used. Several locations along Malibu Road where parking is permitted, typically farther than approximately 400 feet from an access point, were available. Therefore, additional vehicles could be accommodated along Malibu Road.

CITATIONS

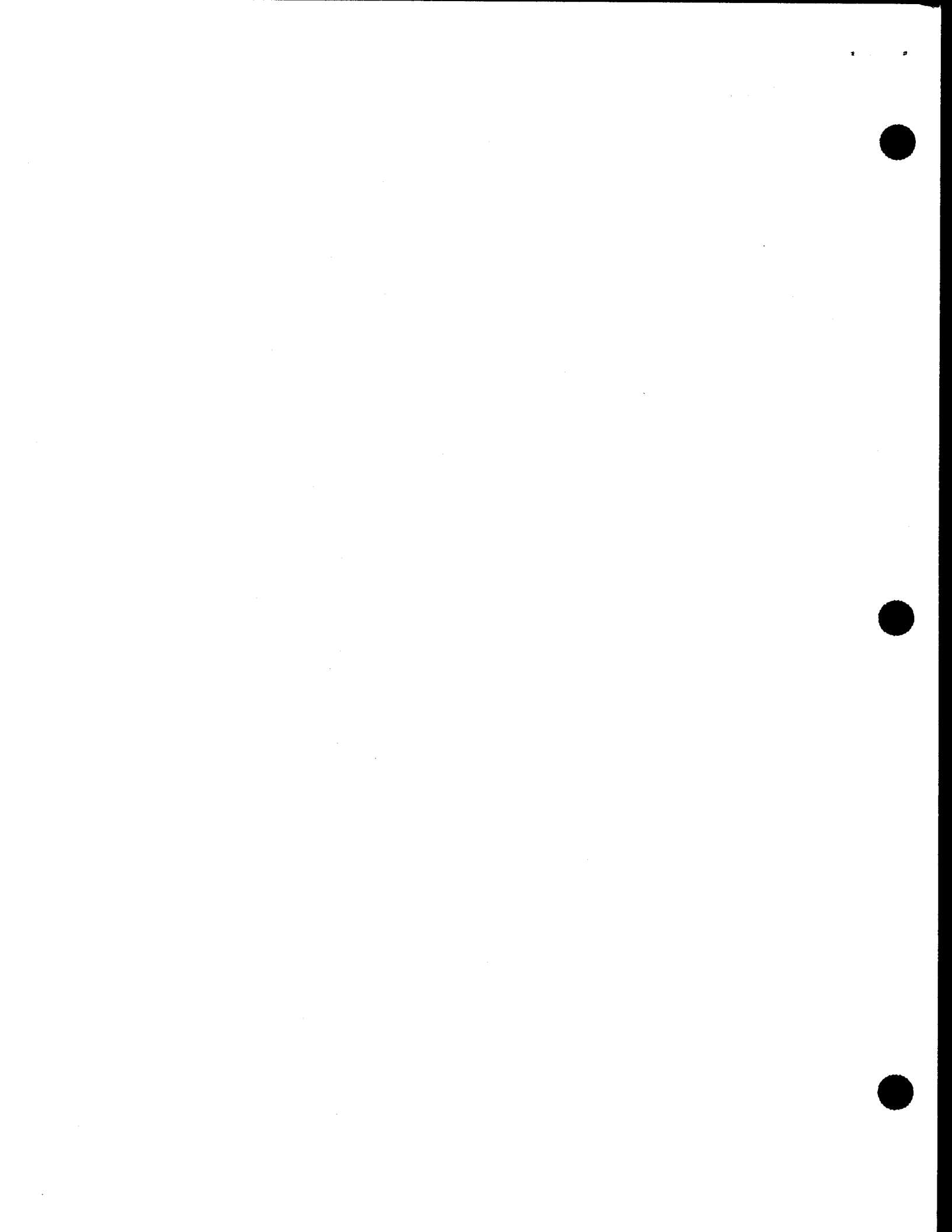
Malibu, City of. General Plan. November 1995.

Personal Communication - Scott Sato, Associate. Urban Crossroads (traffic engineers). Telephone conversation June 17, 2002.



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Exhibit No. 6
Permit 4-02-198
Air photo of Malibu Road area





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Exhibit 7
4-02-198
Airphoto of Project Site and Downcoast Beach

